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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

EARLINE COLE , as an individual and as)	CV-09-21-BLG-RFC-CFO
personal representative of the)	
ESTATE OF STEVEN BEARCRANE ,)	
CLETUS COLE , as an individual and)	PLAINTIFFS' RESPONSE
as personal representative of the)	TO UNITED STATES'
ESTATE OF STEVEN)	MOTION TO DISMISS
BEARCRANE)	MARTY J. JACKLEY,
PRECIOUS BEARCRANE , minor child,)	OR, ALTERNATIVELY,
VERONICA SPRINGFIELD , as an)	MOTION TO
individual and as personal)	SUBSTITUTE ACTING
representative of the)	UNITED STATES
ESTATE OF ROBERT, SPRINGFIELD)	ATTORNEY
and)	
VELMA SPRINGFIELD , minor child,)	
Plaintiffs,)	
v.)	
FEDERAL BUREAU OF)	
INVESTIGATIONS ,)	

SALT LAKE FIELD OFFICE,)
MARTY JACKLEY, in his official)
capacity,)
UNITED STATES ATTORNEYS)
OFFICE FOR SOUTH DAKOTA,)
ERNEST WEYAND, in his official and)
individual capacities, and)
MATTHEW ORAVEC, in his individual)
capacity,)
Defendants.)

Plaintiffs, by and through their undersigned attorneys, respectfully file this response to Defendants' motion to dismiss defendant Marty J. Jackley, or alternatively, to substitute the acting United States Attorney for defendant Jackley:

1. Defendants filed a motion to dismiss defendant Marty J. Jackley, or alternatively, to substitute the acting United States Attorney on October 9, 2009. (Dkt#30).

2. Because defendant Jackley is no longer the United States Attorney for South Dakota, Plaintiffs have no objection to dismissing him from this matter. Because the Plaintiffs are bringing claims against the United States Attorneys Office as an entity, there is no need to substitute the Acting United States Attorney for Mr. Jackley.

DATED this 29th day of October, 2009.

Respectfully submitted:

Jean Bearcrane

/s/Patricia S. Bangert

Patricia S. Bangert

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2009, I electronically filed the foregoing using the CM/ECF system, with notification to the following:

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/s/Patricia S. Bangert

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